

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE NEURONTIN MARKETING,
SALES PRACTICES AND
PRODUCTS LIABILITY LITIGATION

MDL Docket No. 1629

Master File No. 04-10981

THIS DOCUMENT RELATES TO:

Steven Alexander v. Pfizer Inc., et al.

Judge Patti B. Saris

Civ. Act. No. 3:05-CV-01013 (N.D. Tex)

**DEFENDANTS' REQUEST TO THE COURT TO RECOGNIZE
PREVIOUSLY-ENTERED ORDER GRANTING DISMISSAL
WITHOUT PREJUDICE OF ABOVE-CAPTIONED COMPLAINT**

Defendants Pfizer Inc. ("Pfizer") and Warner-Lambert Company ("Warner-Lambert") respectfully submit this request that the Court recognize the dismissal without prejudice of the case captioned *Steven Alexander v. Pfizer Inc., et al.*, Civ. Act. No. 3:05-CV-01013 (N.D. Tex). This dismissal was entered by the United States District Court for the Northern District of Texas, but Defendants are unclear as to whether the order of dismissal was included in the case file sent to this Court and, in any event, respectfully request this Court to terminate the *Alexander* case in light of that order.

On May 20, 2005, Defendants notified the Judicial Panel on Multidistrict Litigation ("JPML") that *Alexander* was a potential tagalong case to this MDL. On June 10, 2005, the JPML issued a Conditional Transfer Order which conditionally transferred *Alexander* to MDL 1629. On June 21, 2005, counsel for the plaintiff in *Alexander* contacted counsel for Defendants and informed them that he wanted to voluntarily dismiss his case without prejudice. Defendants and Plaintiff drafted an Agreed Stipulation and Voluntary Motion to Dismiss the *Alexander* case

(a copy of which is attached hereto as Ex. A), and filed it with the U.S. District Court for the Northern District of Texas on July 1, 2005.

On July 11, 2005, the Honorable Ed Kinkeade, District Judge in the Northern District of Texas, issued an Order Granting Dismissal Without Prejudice (a copy of which is attached hereto as Ex. B). On July 12, 2005, the *Alexander* case was docketed in MDL 1629.

It appearing that the *Alexander* file was in the process of being transferred to this Court at the time the Order of dismissal was entered by the Northern District of Texas, Defendants are unclear as to whether the Order of Dismissal was reflected in the *Alexander* file at the time the case was transferred to the MDL. Accordingly, Defendants respectfully request that the Court recognize the Order Granting Dismissal and consider the *Alexander* case to be terminated.

Dated: July 29, 2005

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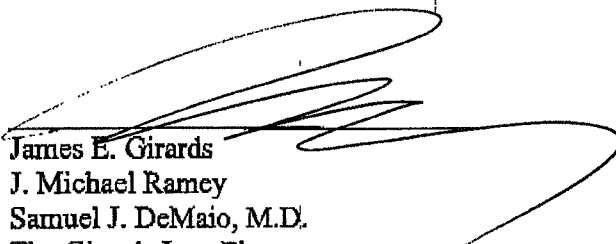
EXHIBIT A

Filed 07/01/2005

Page 1 of 2


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AGREED AND ENTRY REQUESTED:



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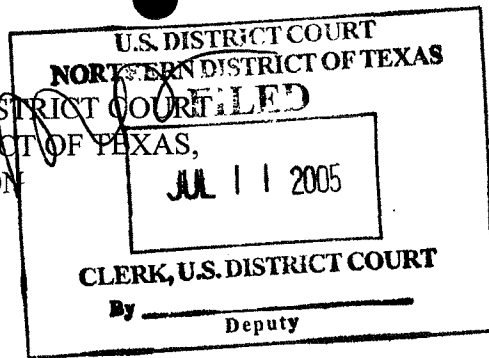
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EXHIBIT B

K
ORIGINAL

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS,
DALLAS DIVISION



STEVEN ALEXANDER,

Plaintiff,

VS.

PFIZER, INC., PARKE-DAVIS, a division
of Warner-Lambert Company,
WARNER-LAMBERT COMPANY,

Defendants.

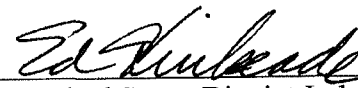
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CAUSE NO: 3:05-CV-01013-K

ORDER GRANTING DISMISSAL WITHOUT PREJUDICE

The Court having received the AGREED STIPULATION AND VOLUNTARY MOTION TO DISMISS, and having been further advised that all parties involved have entered into an agreement regarding the same, hereby dismisses all causes of action of Plaintiff STEVEN ALEXANDER, against Defendants PFIZER, INC., PARKE-DAVIS, a division of Warner-Lambert Company, and WARNER-LAMBERT COMPANY without prejudice of the re-filing of the same.

Signed on this the 11th day of July, 2005.



Presiding United States District Judge
ED KINKLEADE